

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION
www.flmb.uscourts.gov

In re:

Case No. 8:18-bk-02366-CPM
Chapter 7

Barbara A. Paul
Norman Henry Paul

Debtors.

/

TRUSTEE'S AMENDED MOTION TO SELL REAL PROPERTY OF THE ESTATE

(Property: 2503 State Route 9 North, Au Sable Forks, New York 12912)

NOTICE OF HEARING

A PRELIMINARY HEARING in this case will be held on **December 16, 2019 at 1:30 p.m. in Courtroom 8B**, Sam M. Gibbons United States Courthouse, 801 N. Florida Ave., Tampa, FL, 33602, before the Honorable Catherine Peek McEwen, United States Bankruptcy Judge, to consider this matter and transact such other business that may come before the Court.

1. The hearing may be continued upon announcement made in open Court without further notice.
2. Appropriate Attire. You are reminded that Local Rule 5072-1(b)(16) requires that all persons appearing in Court should dress in business attire consistent with their financial abilities. Shorts, sandals, shirts without collars, including tee shirts and tank tops, are not acceptable.
3. Avoid delays at Courthouse security checkpoints. You are reminded that Local Rule 5073-1 **restricts the entry of cellular telephones** and, except in Orlando, computers into the Courthouse absent a specific order of authorization issued beforehand by the presiding judge. Due to heightened security procedures, persons must present photo identification to enter the Courthouse.

COMES NOW, Carolyn R. Chaney, Chapter 7 Trustee (the "Trustee") duly appointed Chapter 7 Trustee for the above-referenced Debtors (the "Debtor") pursuant to Sections 105 and 363 of the Bankruptcy Code hereby files this Amended motion ("Motion") for entry of an order

for authority to sell certain real property of the estate and pay liens and encumbrances of record from the sales proceeds. In support thereof, the Trustee respectfully states as follows:

1. The Debtors own real property located at 2503 State Route 9 North, Au Sable Forks, New York 12912 (the "Property") and legally described as follows:

Located in the Township or City of Au Sable Forks in Clinton County, New York, Liber/Page #V920P 334 with APN# 342.3-3-3.

2. This Court has approved the sale the Property for \$40,000.00, Doc. No. 18.

3. The proposed buyer for the real property did not go through with the sale. The Trustee was able to obtain another contract for the purchase of the real property at a higher amount for \$42,750.00.

4. There is no mortgage on the property.

5. The Trustee requests an Order approving the sale of the Property to the new purchaser, Joseph J. Fawkes, for the amount of \$42,750.00 as shown on the attached Settlement Statement.

6. The Trustee seeks authority to execute all documents and instruments she deems reasonable or necessary to close the sale and to pay at closing (1) all outstanding real estate taxes, including any prorated amounts due for the current tax year; (2) if applicable, the lesser of any HOA fees accrued post-petition or the equivalent to twelve months' assessments; (3) all closing costs including State Documentary Stamps for the entire closing price; and (4) a 2% real estate commission to Country Road Realty in the amount of \$855.00, a 2% real estate commission to B. A. Straight Real Estate LLC in the amount of \$855.00, and a real estate commission to BK Global Real Estate Services in the amount of \$800.00 for a total real estate commission of 6%.

7. The Trustee respectfully requests that this Court: (a) waive the 14 day stay pursuant to Rule 6004(h), deem the sale order enforceable immediately upon entry, and authorize the Trustee to close on the sale immediately upon entry of the Final Sale Order; and (b) authorize the Trustee to take all actions and execute all documents she deems reasonable and necessary to effectuate the requested relief.

8. The proposed sale is in the best interest of the creditors of the bankruptcy estate. The Buyer has agreed, subject to Court approval, to pay to the Trustee the sales price of \$42,750.00, less costs of closing, which will result in a net recovery for the estate in the amount of \$26,108.91.

WHEREFORE, the Trustee moves for the entry of an Order:

- A. Authorizing the sale of the Property and payment of liens and encumbrances of record from the sales proceeds;
- B. Authorizing the sale of the property to the purchaser free and clear of any interests asserted against the property;
- C. Authorizing the Trustee to take any all actions and to execute any and all documents necessary and appropriate to effectuate and consummate the terms of said sale of the Property, including without limitation, executing a deed conveying the interests of the Debtor or any other party claiming an interest in the Property to the Purchaser;
- D. Authorizing the Trustee and any escrow agent upon the Trustee's written instruction, to make such disbursements on or after the closing of the sale as are required by the purchase agreement or Order of this Court, including, but not limited to: (a) all delinquent real property taxes and outstanding post-petition real property taxes pro-rated as of the closing with respect to the real property (b) any outstanding Home

Owner's Association fee or assessment arrearages; and (c) payment of real estate commissions of 2% each to Country Road Realty, B. A. Straight Real Estate LLC and BK Global Real Estate Services; and (d) any other reasonable closing costs.

E. Determining that all affected interests have been adjudged and declared to be unconditionally released as to the Property;

F. Waive the 14-day stay pursuant to Rule 6004(h), and

G. Granting the Trustee such other and further relief as is just and proper.

DATED: November 25, 2019.

Respectfully submitted,

/s/ Carolyn R. Chaney, Trustee
Post Office Box 530248
St. Petersburg, FL 33747-0248
Telephone: 727-864-9851
Email: carolyn.chaney@earthlink.net

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Motion has been provided by electronic or U.S. Mail delivery on November 25, 2019, to:

Office of United States Trustee, USTP.Region21.ECF@USDOJ.GOV

Debtors: Barbara and Norman Paul, 12100 Seminole Blvd., Lot 162, Largo, FL 33778

Attorney for Debtors: Ricky S. Parwani, Esquire, 9905 Alambra Avenue, Tampa, FL 33619;
Email: rinky@parwanilaw.com

Attached Creditor Matrix.

/s/ Carolyn R. Chaney, Trustee

PRELIMINARY STATEMENT OF SALE 11/14/2019

SELLER: Carolyn Chaney, as Trustee for the Bankruptcy Estate of Barbara A. Paul

Closing Date: 12/16/2019

BUYER: Joseph Fawkes

PREMISES: 2503 RT 9N Ausable Forks, NY 12912

Tax Map #: 342.3-3-3

Purchase Price							\$42,750.00
	Bill Amt.	÷Days	Daily Amount	No. of Days	Tax Period		
County Taxes	\$1,310.99	365	\$3.59	15	12/16/2019	12/31/2019	\$53.88
School Taxes	\$1,747.88	365	\$4.79	197	12/16/2019	6/30/2020	\$943.38
Water Rent	\$0.00	365	\$0.00	76	10/1/2019	12/16/2019	\$0.00
Sewer Rent	\$0.00	365	\$0.00	76	10/1/2019	12/16/2019	\$0.00
Total Amount Due to Seller							\$43,747.25
Credits to Buyer							
Down Payment							\$ 1,000.00
Water Rent	\$150.00	365	\$0.41	76	10/1/2019	12/16/2019	\$31.23
Sewer Rent	\$162.50	365	\$0.45	76	10/1/2019	12/16/2019	\$33.84
							\$0.00
Seller Concession							\$0.00
Total Deductions							\$1,065.07
Balance Due Seller at Closing							\$42,682.18

Expenses of Buyer		Expenses of Seller	
Recording fees (deed)	\$60.00	Holcombe Abstracts	\$378.00
		Transfer tax (NY)	\$171.00
RP-5217	\$125.00	Gains Tax Affid.	\$5.00
		Bankruptcy Estate Fee	\$0.00
Mike McCormick		B.A. Straight Real Estate LLC	\$855.00
Holcomb Abstract		Country Road Realty	\$855.00
		BK Global	\$800.00
		Ocean Title, LLC	\$495.00
		2018 Town of Black Brook taxes	\$4,733.77
		2019 Town of Black Brook taxes	\$4,924.24
		2019 Water / Sewer	\$1,256.26
		Record MTS to Simplifile	\$100.00
		Legal Fees	\$2,000.00
Total Buyer Expenses	\$185.00	Total Seller Fees	\$16,573.27

RECAP

Balance Due Seller	\$42,682.18	Balance Due Seller	\$42,682.18
Plus Expenses of Purchaser	\$185.00	Minus Expenses of Seller	\$16,573.27
Total Due from Buyer	\$42,867.18	Net Due to Bankruptcy Trustee \$	\$26,108.91

\$42,867.18 TO BE DISBURSED AS FOLLOWS:

TO WHOM:	on Purchaser behalf:	on Seller behalf:	TOTAL
Holcombe Abstract Corp.	\$ -	\$378.00	\$ 378.00
Town of Blackbrook- 2018+2019 taxes		\$9,658.01	\$ 9,658.01
2019 Town of Blackbrook Water / sewer	\$ -	\$1,256.26	\$ 1,256.26
Clinton County Clerk	\$185.00	\$176.00	\$ 361.00
Bankruptcy Estate Fee	\$ -	\$26,108.91	\$ 26,108.91
Ocean Title, LLC	\$ -	\$495.00	\$ 495.00
BA Straight Realty	\$ -	\$855.00	\$ 855.00
BK Global	\$ -	\$800.00	\$ 800.00
Simplifile	\$ -	\$100.00	\$ 100.00
Country Road Realty	\$ -	\$855.00	\$ 855.00
William Tansey, Esq	\$ -	\$2,000.00	\$ 2,000.00
TOTALS:	\$ 185.00	\$ 40,682.18	\$ 42,867.18

Label Matrix for local noticing
113A-8
Case 8:18-bk-02366-CPM
Middle District of Florida
Tampa
Mon Nov 25 16:54:50 EST 2019

Barbara A. Paul
12100 Seminole Blvd LOT 162
Largo, FL 33778-2821

Bank Of America
Nc4-105-03-14
Po Box 26012
Greensboro, NC 27420-6012

Chase Bank USA, N.A.
c/o Robertson, Anschutz & Schneid, P.L.
6409 Congress Avenue, Suite 100
Boca Raton, FL 33487-2853

Chase Mortgage
PO BOX 183222
Columbus, OH 43218-3222

Comenity Bank/beallsol
Po Box 182125
Columbus, OH 43218-2125

Judy Hart, Tax Collector
9 Coughlin Road
Au Sable Forks, NY 12912-3117

Midland Funding LLC
PO Box 2011
Warren, MI 48090-2011

Peru Fcu
700 Bear Swamp Rd
Peru, NY 12972

Synchrony Bank/Care Credit
Attn: Bankruptcy
Po Box 965060
Orlando, FL 32896-5060

BK Global Real Estate Services
1095 Broken Sound Parkway
Suite 200
Boca Raton, FL 33487-3503

Norman Henry Paul
12100 Seminole Blvd LOT 162
Largo, FL 33778-2821

Capital One
Attn: General Correspondence/Bankruptcy
Po Box 30285
Salt Lake City, UT 84130-0285

Chase Card Services
Attn: Correspondence Dept
Po Box 15298
Wilmington, DE 19850-5298

Clinton County Treasurer
137 Margaret Street #205
Plattsburgh, NY 12901-4598

Credit One Bank
Attn: Bankruptcy
Po Box 98873
Las Vegas, NV 89193-8873

LVNV Funding, LLC its successors and assigns
assignee of North Star Capital
Acquisition LLC
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

PYOD, LLC its successors and assigns as assi
of Synchrony Bank
Resurgent Capital Services
PO Box 19008
Greenville, SC 29602-9008

(p)PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

Synchrony Bank/Lowes
Attn: Bankruptcy
Po Box 965060
Orlando, FL 32896-5060

Country Road Realty
3274 Fisher Hill Rd.
Mineville, NY 12956

AuSable Valley Central Schoo
Tax Collector
1273 Rt. 9N
Keeseville, NY 12924-4214

Capital One Bank (USA), N.A.
PO Box 71083
Charlotte, NC 28272-1083

Chase Mortgage
Attn: Case Research & Bankruptcy
Po Box 24696
Columbus, OH 43224-0696

Comenity Bank/Bealls Florida
Po Box 182125
Columbus, OH 43218-2125

Hayt, Hayt & Landau PL
7765 SW 87th Ave #101
Miami, FL 33173-2535

Midland Funding
Attn: Bankruptcy
Po Box 939069
San Diego, CA 92193-9069

Peru FCU
PO BOX 565
Peru, NY 12972-0565

Synccb/hhgreg
Attn: Bankruptcy
Po Box 965060
Orlando, FL 32896-5060

Synchrony Bank/Walmart
Attn: Bankruptcy
Po Box 965060
Orlando, FL 32896-5060

Town of Black Brook
PO BOX 715
Au Sable Forks, NY 12912-0715

Zwicker & Assoc
80 Minuteman Rd
Andover, MA 01810-1008

Zwicker & Assoc
PO BOX 9013
Andover, MA 01810-0913

Carolyn R. Chaney +
PO Box 530248
St. Petersburg, FL 33747-0248

United States Trustee - TPA7/13 +
Timberlake Annex, Suite 1200
501 E Polk Street
Tampa, FL 33602-3949

Rinky S Parwani +
Upright Law
9905 Alambra Avenue
Tampa, FL 33619-5060

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Portfolio Recovery
Po Box 41067
Norfolk, VA 23541

(d)Portfolio Recovery Associates, LLC
POB 41067
Norfolk VA 23541

End of Label Matrix	
Mailable recipients	35
Bypassed recipients	0
Total	35